

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

CERTAIN UNDERWRITERS AT LLOYD'S,
LONDON, SUBSCRIBING TO POLICY
NUMBER 501/NB03ACMD,

Plaintiff,

vs.

STEVEN NANCE AND L.J. DOLLOFF
ASSOCIATES OF NEW MEXICO, INC., a
New Mexico Corporation,

Defendant.

CASE NO. CIV-04-0937 JB WDS

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**UNOPPOSED MOTION FOR BRIEFING SCHEDULE ON MOTION FOR SUMMARY
JUDGMENT FILED BY CERTAIN UNDERWRITERS**

Plaintiff Certain Underwriters at Lloyd's, London, Subscribing to Policy Number 501/NB03ACMD ("Underwriters"), through their counsel of record, hereby move for an order setting the schedule for further briefing on their pending motion for summary judgment as follows:

1. On August 23, 2006 Certain Underwriters filed a Motion for Summary Judgment.
2. Underwriters moved for summary judgment in favor of Underwriters and against Defendant Steven Nance, on each of the causes of action in Underwriters' complaint against Nance and on Nance's counterclaim against Underwriters. Specifically, Underwriters sought declaratory judgment that the policy issued to Third Party Defendant L.J. Dolloff Associates, Inc. ("Dolloff New York") provides no coverage for L.J. Dolloff Associates of New Mexico, Inc. ("Dolloff New Mexico") and no coverage for any person on Nance's judgment against Dolloff New Mexico in the underlying state court action entitled *Nance v. L.J. Dolloff Associates of New Mexico, Inc., et al.*, State of New Mexico, County of Bernalillo, Second Judicial District Court, Case No. CV 2003 003133.

3. On October 2, 2006, Nance filed an opposition to Underwriters' motion.

4. In the opposition, Nance asserted, among other things, that Underwriters' motion was "contrary to the interests of its insured," Dolloff New York.

5. It is Underwriters' understanding that Dolloff New York is presently seeking legal advice regarding its interests in this litigation. Dolloff New York is also evaluating its need to retain counsel for coverage issues in this litigation. Underwriters do not presently know whether Dolloff New York will seek to file a response to Underwriters' motion for summary judgment.

6. To allow Dolloff New York additional time to evaluate the pending motion for summary judgment, Underwriters request that the Court extend for 30 additional days the time within which Dolloff New York may file a response to the motion. Accordingly, Underwriters request that Dolloff New York be allowed to file a response by November 27, 2006.

7. Underwriters request that they be allowed to file a reply to Nance's opposition and to any response filed by Dolloff New York within 14 days after service of any further response by Dolloff New York or any notice by Dolloff New York before November 27, 2006 that it does not intend to file a response. Accordingly, Underwriters request that they be allowed to file a reply no later than December 14, 2006, assuming that Dolloff New York serves a response by mail on November 27, 2006.

8. Underwriters also request that the Court set a date for the hearing on the motion for summary judgment.

9. Counsel for Nance and Underwriters have discussed this motion. Counsel for Underwriters have left messages and do not presently know whether counsel for Nance opposes this motion.

10. Counsel for Dolloff New York and Underwriters have discussed this motion. Counsel for Underwriters have left messages and do not presently know whether Dolloff New York opposes this motion.

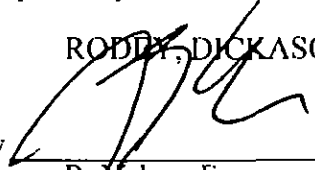
WHEREFORE, Underwriters request the Court enter the attached Order setting further briefing on the Motion for Summary Judgment by Certain Underwriters as follows:

- a. Up to November 27, 2006, for any response by Dolloff New York.
- b. Up to December 14, 2006, for a reply by Underwriters.

Respectfully submitted,

RODDY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By

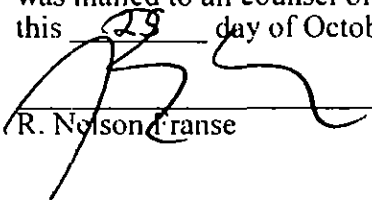


R. Nelson Franse
Post Office Box 1888
Albuquerque, New Mexico 87103
(505) 765-5900 Fax: (505) 768-7395

BARBANEL & TREUER, P.C.
Alan H. Barbanel
Stephen D. Treuer
1925 Century Park East, Suite 350
Los Angeles, California 90067
(310) 282 8088 Fax: (310) 282 8779

Attorneys for Certain Underwriters At Lloyd's, London, Subscribing
To Policy Number 501/NB03ACMD

I hereby certify that a copy of the foregoing
was mailed to all counsel of record
this 29 day of October 2006.



R. Nelson Franse